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IN THE

Supreme Court of the United States

OCTOBER TERM—1948.

No. 655

UNITED STATES OF AMERICA, *ex rel.*, ANNA DORFLER, GEORGE DORFLER, CHRISTIAN EHMANN, JOHANNES CARL FITTING, ADOLF GOELZER, OTTO GRIMM, HANS WERNER HAUSWALD, JOHANNES T. JUHL, PETER SCHAU and AGNES STEPHAN,

Petitioners,

—v.—

W. FRANK WATKINS, as District Director of Immigration and Naturalization of the United States for the District of New York, etc.,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

JOSEPH W. SOLOMON,
Barlum Tower,
Detroit, Michigan,
Counsel for Petitioners.

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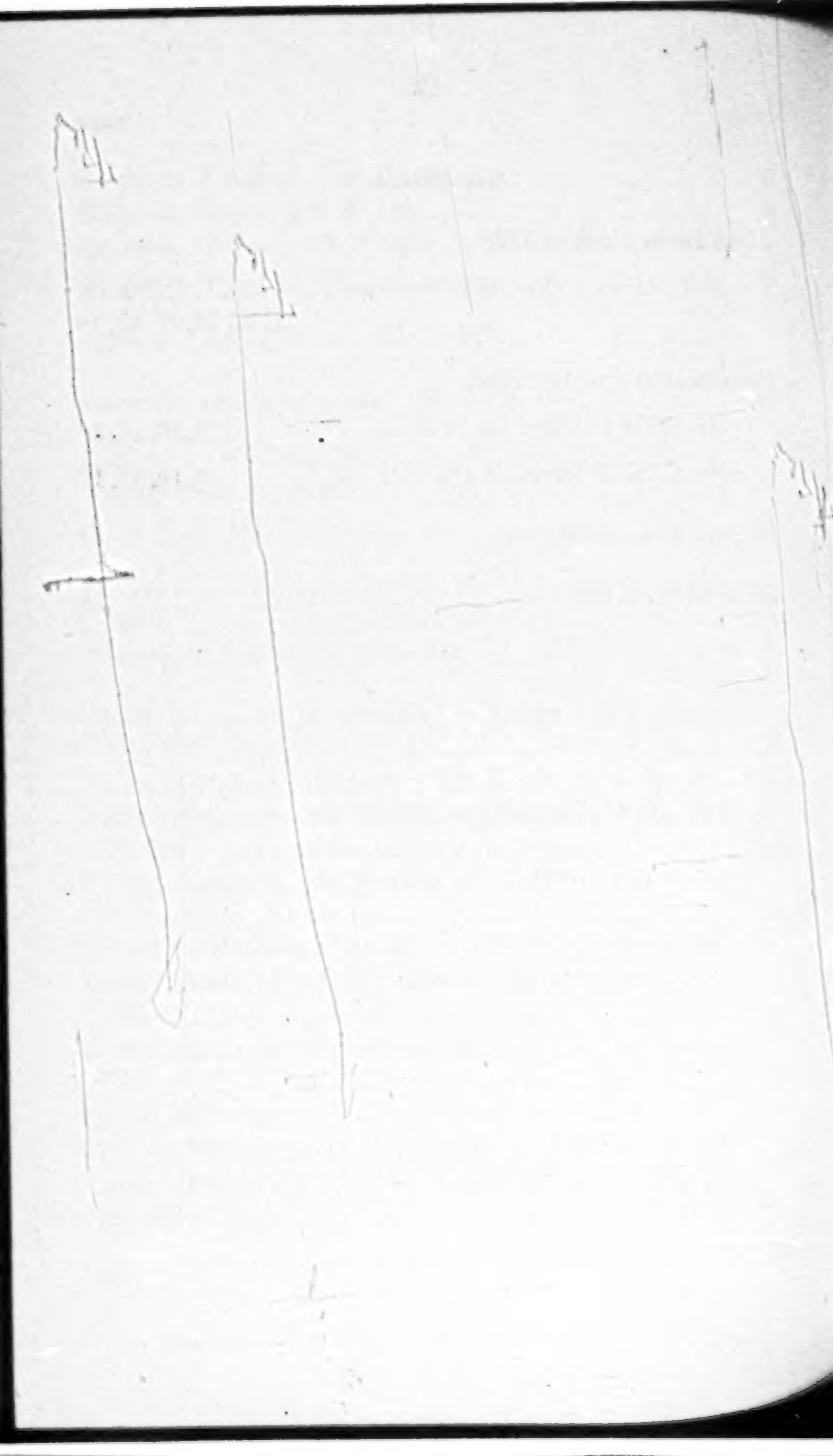

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Petitioners,

—v.—

W. FRANK WATKINS, as District Director of Immigration and Naturalization of the United States for the District of New York, etc.,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

To: The Honorable Fred M. Vinson, Chief Justice of the Supreme Court of the United States and Associate Justices of the Supreme Court of the United States.

The petitioners, Anna Dorfler, George Dorfler, Christian Ehmann, Johannes Carl Fitting, Adolf Goelzer, Otto Grimm, Hans Werner Hauswald, Johannes T. Juhl, Peter Schau and Agnes Stephan respectfully pray that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Second Circuit, No. 21190, in which case petitioners are appellants and respondent is appellee, and in which case the Court announced its decision under date of December 23, 1948, affirming the order and decision of the United States District Court for the

Southern District of New York dismissing petition for writ of habeas corpus.

Opinion Below

The opinion of the United States District Court is set forth (R 20) as is the opinion of the Court of Appeals for the Second Circuit (R 27).

Jurisdiction

The jurisdiction of this Court is invoked under 28 U. S. C. §1254 and §2101 (c).

Questions Presented

1. Do the Proclamations of the President of the United States and the Regulations promulgated pursuant to the Alien Enemy Act authorize internment and removal of alien enemies under Section 21 of said Act?

2. Does due process require that alien enemies be afforded judicial hearings prior to deportation and removal?

3. Are alien enemies entitled to judicial hearings before deportation after the cessation of hostilities?

4. Does the interference by the United States with petitioners' right of voluntary departure preclude their deportation thereafter?

Statement of Facts

Petition for writ of habeas corpus was filed on behalf of petitioners to secure their liberty from the restraint and

detention by the respondent as District Director of Immigration and Naturalization of the United States for the District of New York and as custodian for an agent of the Attorney General of the United States. Each of the relators is of German origin over the age of fourteen (14) and each relator has been ordered removed and deported from the United States as an alien enemy pursuant to provisions of Title 50 United States Code, Section 21, and Presidential Proclamation No. 2655, dated July 14, 1945. Respondent's return to the petition for writ of habeas corpus sets forth no other authority for petitioners' restraint and threatened removal and deportation. None of the petitioners was ever accorded a hearing before any Court of the United States prior to his or her internment, or prior to the issuance of the removal orders against petitioners by the Attorney General.

The United States District Court dismissed the writ and the United States Court of Appeals for the Second Circuit affirmed this order.

Reasons for Granting the Writ

1. The Alien Enemy Act of 1798, 1 Stat. 577, 50 U. S. C. §§21-24, R. S. 4067-70, April 16, 1918, Ch. 55, 40 Stat. 531, delegates to the President of the United States certain powers to direct the conduct of, and to prescribe regulations controlling, alien enemies in time of war. The President, by Proclamation No. 2526 (December 8, 1941) 55 Stat. Part 2, 1705, provided for the restraint and removal of alien enemies in the manner prescribed by sections 23 and 24 of said Act. By Proclamation No. 2655 (July 14, 1945) 59 Stat. Part 2, 870, the President provided for the removal of all alien enemies interned pursuant to the former Proclamation who were deemed dangerous to the public peace and safety of the United States by the Attorney General. The

petitioners were not interned pursuant to Sections 23 and 24 of said Act and, therefore, are not liable to removal under the authority claimed by the respondent. The authority under Sec. 21, claimed by the respondent, has never been put into effect and never became operative.

2. Due process of law and provisions of Sec. 23 of Alien Enemy Act require that judicial hearings be afforded alien enemies prior to their deportation and removal.

3. The cessation of hostilities precludes removal of alien enemies without judicial hearings.

4. The interference with the petitioners' rights of voluntary departure by the United States precludes any involuntary removal thereafter.

Prayer for the Writ

WHEREFORE, your petitioners pray for a writ of certiorari to be issued under the seal of this Court directed to the United States Court of Appeals for the Second Circuit, commanding that Court to certify and send to this Court a complete transcript of the record and all proceedings in the instant cause, so that this cause may be reviewed and determined by this Court, and that the judgment of the United States Court of Appeals for the Second Circuit may be reversed, and that petitioners may be granted such other and further relief as may seem proper.

JOSEPH W. SOLOMON,
Barlum Tower,
Detroit, Michigan,
Counsel for Petitioners.

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No.....

UNITED STATES OF AMERICA, *ex rel.*, ANNA DORFLER, *et al.*,

Petitioners,

—v.—

W. FRANK WATKINS, etc.,

Respondent.

BRIEF IN SUPPORT OF PETITION FOR CERTIORARI

Summary of Argument

1. Certiorari should issue to examine the Presidential Proclamations promulgated pursuant to the Alien Enemy Act (50 U. S. C. 21-24) to determine the rights of petitioners as legally resident aliens in the United States.

2. Certiorari should issue to correct the judgment of the United States Court of Appeals for the Second Circuit which affirmed the order of the United States District Court for the Southern District of New York dismissing the writ of habeas corpus filed on behalf of petitioners.

3. Certiorari should issue to determine the powers of the Attorney General of the United States under Presidential Proclamations governing alien enemies and the Regulations contained therein.

4. Certiorari should issue to prevent the illegal deportation and removal of petitioners who are legal residents of the United States.

5. Certiorari should issue to prevent the threatened and imminent deportation and removal of petitioners by the Attorney General under assumed powers never legally delegated to him.

6. Certiorari should issue to prevent deportation and removal of petitioners until after they have been accorded judicial hearings as required by 50 U. S. C. §23.

7. Certiorari should issue to prevent deportation and removal of petitioners after the cessation of actual hostilities of the recent war.

8. Certiorari should issue to prevent deportation and removal of petitioners because of the interference with, and the imposition of restrictions upon, their right of voluntary departure secured to them by the Alien Enemy Act.

ARGUMENT

The Alien Enemy Act of 1798, 1 Stat. 577, 50 U. S. C. §§21-24 delegates (Sec. 21) certain powers to the President of the United States "whenever there is a declared war between the United States and any foreign nation * * * and the President makes public proclamation of the event", provides (Sec. 22) for the allowance of time to settle affairs and to depart from the United States for aliens who become liable under provisions of Sec. 21, provides (Sec. 23) for the restraint and removal of aliens after full examinations and hearings upon complaints in courts of the United States and sets forth (Sec. 24) the duties of the United

States Marshal in connection with the removal of aliens after proceedings are had under Sections 21 and 23.

The return to the writ of habeas corpus filed in this cause cites removal orders of the Attorney General issued under Sec. 21 of the Alien Enemy Act pursuant to Presidential Proclamation No. 2655 of July 14, 1945, as the sole authority of the respondent for the detention and threatened deportation of petitioners. No other authority is claimed by the respondent.

The cases which have considered the validity of the Alien Enemy Act have been examined and none considered the question of the interpretation of the Proclamations herein raised.

This Court considered the alien enemy question in two cases, *Ahrens* v. *Clark*, 335 U. S. 188, 68 S. Ct. 1443, and *Ludecke* v. *Watkins*, 335 U. S. 160, 68 S. Ct. 1429, both decided on June 21, 1948. Since the former case was disposed of on jurisdictional grounds, the *Ludecke* case is the only one which considered the Act involved herein.

It must be specifically pointed out at this point that the questions raised in this petition were not raised or considered in the *Ludecke* case, *supra*. This Court noted in footnote 4 of the majority opinion:

> "No question has been raised as to the validity of these administrative actions taken pursuant to Presidential Proclamation 2526, dated December 8, 1941, 6 Fed. Reg. 6323, issued under the authority of the Alien Enemy Act."

In the instant case, however, the questions of the regularity, validity, meaning and interpretation of the administrative actions are being raised and challenged. In fact, petitioners allege that no court has considered the ques-

tions being raised in this case. The *Ludecke* case, *supra*, cannot, therefore, be considered binding on this case or determinative of the rights of these petitioners.

The *Ludecke* decision cites, in footnote 8 of the majority opinion, many cases that have considered the Alien Enemy Act.

Only a few cases actually have considered or discussed the validity of the Alien Enemy Act. None of these has inquired into the function, meaning, interpretation, legality, appropriateness, or validity of the Presidential Proclamations under said Act.

Many of the cases often cited as authority for the validity of the Alien Enemy Act have considered this Act only inferentially and none has examined the wording of the Proclamations to ascertain the legal limits to the powers of the Attorney General which are questioned by the petitioners herein.

Grahl v. *United States*, 261 F. 487;
Ex parte Gilroy, 257 F. 110;
Ex parte Risse, 257 F. 102;
United States ex rel. Knauer v. *Jordan*, 158 F. 2d 337;
United States ex rel. DeCicco v. *Longo*, 46 F. Supp. 169, 170;
United States ex rel. Schwarzkopf v. *Uhl*, 137 F. 2d 898;
United States ex rel. Kessler v. *Watkins*, 163 F. 2d 140;
United States ex rel. Hack v. *Clark*, 159 F. 2d 552.

Some cases have held that the Alien Enemy Act provides two methods by which the President may control, intern

and remove alien enemies by Executive action under Sec. 21 and by judicial action under Sec. 23.

Ex parte Graber, 247 F. 882;
Minotto v. *Bradley*, 252 F. 600;
United States ex rel. Schleuter v. *Watkins*, 158 F. 2d 853;
Ex parte Franklon, 253 F. 984.

Some cases have said that no question was raised as to the meaning or regularity of the Presidential Proclamations under the Alien Enemy Act.

In *Banning* v. *Penrose*, 255 F. 154, the Court said:

> "It is conceded at the outset that the acts above referred to are constitutional acts, and *that the proclamation of the President was properly issued in pursuance thereof*. No question is made as to the right to do this, if it was directed toward an alien enemy." (Emphasis supplied.)

Assuming, for the sake of argument, then, that the Alien Enemy Act is valid and constitutional, as a proper delegation to the Executive of certain powers inherent in every sovereign state and necessary to the successful waging of war, the Proclamations of the President (Proclamation No. 2526 of December 8, 1941, and Proclamation No. 2655 of July 14, 1945) fail to authorize the Government's program under the Alien Enemy Act and fail to sustain the respondent's position in this cause. Whatever authority was delegated to the President by the Congress this authority was bound to be exercised only in accordance with the terms of such authority. The question herein involved is not what authority the Executive *may have had* under the statute,

but what authority he *used* thereunder. The respondent sets forth as his authority for the restraint and imminent deportation of the petitioners Sec. 21 of the Alien Enemy Act, and Presidential Proclamation No. 2655 of July 14, 1945.

Presidential Proclamation No. 2655 of July 14, 1945, after setting forth in full the provisions of Sec. 21 of the Alien Enemy Act (50 U. S. C., Sec. 4067 of the Revised Statutes of the United States) and after reciting the existence of the additional sections of the Act (Secs. 22. 23 and 24) and the fact that a state of war exists by reason of joint resolutions of the Congress approved by the President, proclaims "the following regulations, additional and supplemental to those prescribed by the aforesaid proclamations":

> "All alien enemies *now or hereafter interned* within the continental limits of the United States *pursuant to the aforesaid proclamations of the President* of the United States who shall be deemed by the Attorney General to be dangerous to the public peace and safety of the United States * * * shall be subject upon the order of the Attorney General to removal from the United States and may be required to depart therefrom in accordance with such regulations as he may prescribe." (Emphasis supplied.)

It is submitted, therefore, that this Proclamation, relied on by the respondent for his authority, can apply only to those aliens *properly* and *regularly* interned *pursuant to the aforesaid proclamations* of the President. The only Proclamation affecting German nationals and, therefore, these petitioners, is Proclamation 2526 of December 8, 1941. It is to this Proclamation to which Proclamation No. 2655

refers, as far as these petitioners are concerned. *No one, not legally interned pursuant to Proclamation No. 2526, may be deported or removed from the United States pursuant to Proclamation No. 2655.*

Proclamation No. 2526, under the title "Authority" sets forth Sec. 21 of Title 50 of the United States Code (the Alien Enemy Act) and refers to Sections 22, 23 and 24 of the same Title.

Under the heading "Proclamation", the President made public proclamation that an invasion or predatory incursion was threatened upon the territory of the United States. Under the heading of "Conduct to be Observed by Alien Enemies", the President then admonished all alien enemies to "preserve the peace" and to "refrain from crime", etc. The Proclamation then continues:

> "All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States *in the manner prescribed by Sections 23 and 24 of title 50* of the United States Code, and as prescribed in the regulations duly promulgated by the President." (Emphasis supplied.)

Thereafter the President provided for the duties and authority of the Attorney General and the Secretary of War (not herein involved). The Proclamation then continues:

> "Each of them (the Attorney General and the Secretary of State) is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations."

Proclamation No. 2526 incorporates the Regulations appended to Presidential Proclamation No. 2525, 55 Stat.

Part 2, 1700, governing the control, etc., of Japanese aliens. Section 7 of these Regulations provide:

> "Alien enemies deemed dangerous to the public peace and safety of the United States by the Attorney General are subject to summary apprehension."

The outline of the duties and authority of the Attorney General is a general authorization under the terms of the Proclamation. The regulations provide for action *under the Proclamation.* There is no ambiguity or inconsistency when all parts of the Proclamations are read together. Proclamation No. 2526 sets forth in clear, unambiguous and exact language that "the alien shall be liable to restraint, or to give security, or to remove and depart from the United States *in the manner prescribed by* Sections 23 and 24 * * * *".*

Proclamation No. 2655 is likewise clear and specific in that it provides for the removal upon order of the Attorney General for those alien enemies deemed by him to be dangerous *who had* or *thereafter were interned pursuant* to the aforesaid Proclamation (No. 2526).

The most that can be claimed by respondent for the Presidential Proclamations issued under the Alien Enemy Act is that they seem to contain inconsistencies. These inconsistencies are illusory and not real. The respondent herein and the other agents of or custodians for the Attorney General in similar cases have relied on Sec. 21 of the Act and Presidential Proclamation No. 2655, dated July 14, 1945, as authority for the internment and threatened deportation of petitioners and other persons similarly situated, *knowing that the President never authorized internment or removal under Sec. 21.*

The mere recital of the existence of Sec. 21 in the Proclamation does not enact the same. Sec. 21, by its terms, is not "self-enacting", nor does the mere existence of a state of war make it self-enacting. *Brown* v. *U. S.*, 8 Cranch 110. The President, under provisions of the Alien Enemy Act, is authorized to direct the conduct to be observed on the part of alien enemies, the manner and degree of their restraint and to provide for the removal of those who are not to be permitted to remain in the United States. This he has done by authorizing certain action under Sections 23 and 24 of the Act. This direction was specific and exact and is not to be enlarged or confused by general terms which are consistent with the specific designation of Sections 23 and 24.

This Court in *United States ex rel. Harris* v. *Daniels* (1922), 279 F. 844, said,

> "We do not think that this apparent conflict is one in reality. It is a cardinal rule of construction that effect is to be given, if possible, to every word, clause, and sentence of the statute. * * * It is the duty of the court so far as practical to reconcile the different provisions, so as to make them consistent and harmonious, and to give a sensible and intelligent effect to each." Citing numerous authorities and *North American Creamery Co.* v. *Willcuts*, 38 F. 2d 483 and *Pillsbury Flour Mills Co.* v. *Great Northern Railway Co.*, 25 F. 2d 66.

And in *Market Co.* v. *Hoffman* (1879), 101 U. S. 112, 25 L. Ed. 782, the Court said:

> "We are not at liberty to construe any statute so as to deny effect to any part of its language. It is a cardinal rule of statutory construction that significance and effect shall, if possible, be accorded to every word. As

early as in Baron's Abridgment, Sec. 2, it is said that 'a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void or insignificant. Another rule equally recognized is that every part of a statute must be construed in connection with the whole, so as to make all the parts harmonize, if possible, and give meaning to each."

The general rule of construction is that the specific words in a statute will govern an general phraseology that follows the specific words or designation.

This rule is set forth in 50 Am. Jur. p. 244 as follows:

"* * * where, in a statute, general words follow a designation of particular subjects or persons, the meaning of the general will ordinarily be presumed to be, and construed as, restricted by the particular designation * * *"

And in 25 R. C. L. p. 996:

"* * * in accordance with what is commonly known as the rule of ejusdem generis, where, in a statute, general words follows a designation of particular subjects or classes of persons, the meaning of the general words will ordinarily be presumed to be restricted by the particular designation * * *"

There seem to be no special rules governing the construction of Presidential Proclamations and, it is submitted, these are to be governed by the usual rules of statutory construction.

Though the courts will sometimes give consideration to the interpretations of statutes made by the Executive and the Executive Departments of the government, where these interpretations are obviously erroneous or incorrect, they will not be followed by the courts.

The Court in *Commissioner of Internal Revenue* v. *Swift & Company Employees Ben. Assn.*, 151 F. 2d 625, said:

> "That courts should give weight to the consistent interpretation of a regulation by an administrative agency is not open to question. We do not think, however, that such recognition closes the door to a judicial determination of the invalidity of a regulation which is so clearly in conflict with a statutory provision, as is shown in the instant case."

And in *U. S.* v. *Phelps Dodge Merchantile Co.*, 157 F. 2d 453 (certiorari denied 330 U. S. 818, 67 S. Ct. 675, 91 L. Ed.) the Court said:

> "Appellants contend that administrative officers charged with the duty of enforcing Sec. 304 (a) of the Federal Food, Drug, and Cosmetic Act, 21 U. S. C. A. Sec. 334 (a) have interpreted it as providing for condemnation of any article * * *. Being clearly erroneous, that interpretation need not and should not be followed by the Court."

The mere fact that the petitioners have been interned for many years does not make such internment legal. The legality of such internment and the threatened removal and deportation has been challenged these many years. The petitioners and others similarly situated have insisted that they were entitled to hearings in accordance with due

process of law. Under removal orders issued pursuant to Sec. 23 of the Act, they would be so entitled.

Therefore, it cannot be claimed that this Court should follow the Attorney General's interpretation of the Act or the Proclamations.

The petitioners are all legal residents of the United States and are threatened with deportation without the protection of any judicial inquiry prior to such deportation. In deportation proceedings, due process requires a fair hearing. *Bridges* v. *Wixon,* 326 U. S. 135, 65 S. Ct. 1443, 89 L. Ed. 2103. This is true in cases in which the statute prescribes no procedure for a hearing. The *Japanese Immigrant Case,* 189 U. S. 86.

It was said in the *Bridges* case, *supra*:

> "Here the liberty of an individual is at stake. * * * We are dealing here with procedural requirements prescribed for the protection of the alien. Though deportation is not technically a criminal proceeding, it visits a great hardship on the individual and deprives him of the right to stay and live and work in this land of freedom. That deportation is a penalty—at times a most serious one—cannot be doubted. Meticulous care must be exercised less the procedure by which he is deprived of that liberty does not meet the essential standards of fairness."

Mr. Justice Murphy, in his concurring opinion in the same case, said:

> "But once an alien lawfully enters and resides in this country, he becomes invested with the rights guaranteed by the Constitution to all people within our borders."

After World War I interned alien enemies were deported, but Congress first made certain they were given hearings prior to their deportation.

Entirely aside of what may have been sufficient reason and justification for internment of alien enemies during the "war", *the actual "war" as it was waged and fought,* the actual period of hostilities during which alien enemies "might" have been a danger or threat to this Country, during the period of time when, if the Alien Enemy Act means anything, was meant to be covered, now that this period is over, there seems no reason *at this time* why deportation of persons, legal residents of the United States, should be permitted without a full and fair hearing before such deportation. As the Court of Appeals (Second Circuit) said in the *Ludecke* case (163 F. 2d 143), "However, on the face of the record, it is hard to see why the relator should now be compelled to go back". It is indeed hard to see why any of the petitioners should now be deported until after a full and fair hearing on the merits of their cases. Whatever might have been the exigencies of the time of their original internment, these conditions no longer obtain. As Mr. Justice Black said in his dissenting opinion in the *Ludecke* case, "To hold that we are still at war with Germany in the sense contemplated by the statute is, a "pure fiction." Waiving, for the moment, the legality and propriety of the original order of internment made in the light of then existing conditions of war, certainly no "invasion" is threatened now. Certainly the power to remove alien enemies under the Act must be governed by the conditions existing at the time of such threatened removal. Since the entire Act is predicated upon conditions which have ceased to exist, no future enforcement to the Proclamations should be given except within the strictest limits of constitutional protections. This Court is not being asked "to terminate

the state of war". This Court is being asked to refuse to enforce an Act and a Proclamation no longer applicable, no longer needed, no longer legal, justifiable or equitable. No extensive citation of authority need be made to establish the power of the Court to declare an act unconstitutional, if it is so. Likewise, no extensive citation of authority need be made to establish the power of the Court to refuse to enforce an Act or Proclamation which, by its very terms, has ceased to apply. This Court is being called upon to interpret the statute, is asked to carry out the purpose of Congress in connection with the particular right the statute sought to protect. The statute was enacted to give the Executive, whose responsibility it is successfully to wage and direct the war as Commander-in-Chief, the power to protect the United States and its citizens from persons who, because of allegiance, citizenship or origin in an enemy country "might" be dangerous. There is no longer any war for the Executive to wage. The country of which the relators are or were citizens has surrendered. The war is over. The statute, therefore, is no longer needed and becomes inapplicable and inoperative. This Court is being asked by the respondent to enforce the Act and the Proclamations made thereunder long after the need for any of them exists. This Court is being asked to put its stamp of approval on the deportation of petitioners at a time when such deportation is no longer an integral part of any "war" program, even though the only authority for such deportation or removal is a "war" Act. The Court is being asked to permit the deportation of the relators without any judicial hearings whatsoever, without the guarantees of due process to which relators, as lawful residents of the United States, are entitled.

Under the provisions of the Alien Enemy Act, no alien enemy may be deported or removed until after he has re-

fused or neglected to depart from the United States. It is admitted by the respondent that the power to remove aliens cannot be exercised until and unless the alien is *first* ordered to leave the United States "voluntarily" and fails, refuses or neglects so to do. The Government cannot charge an alien with having neglected or refused to leave voluntarily if and when it has prevented his voluntary departure.

This rule was recognized and applied by the Court of Appeals (Second Circuit) in *United States ex rel. Von Heymann*, 159 F. 2d. 650.

The Attorney General and/or the Secretary of State have furnished "black-lists" of aliens to foreign countries concerning many persons including petitioners. The circulation of these lists is admitted by the respondent. Many of the petitioners have been unable to arrange for their departure because of these "black-lists." It is no answer to these petitioners that some others similarly situated have departed voluntarily. This interference with petitioners' rights of voluntary departure by the Government must preclude any right of removal.

For a long period of time prior to April 7, 1947, the right of voluntary departure of the petitioners and others similarly situated was refused and denied by the Government. It has, on occasion, been claimed by the Government that no such refusal or denial was made and that the petitioners could have departed from the United States to any country of their choosing without permission of the Attorney General. Notwithstanding such claim, on April 7, 1947, each of the petitioners was served with a copy of a notice by the Government that permission was not required if the petitioners wished to leave voluntarily to a country of their choosing. Certainly it is not to be assumed that the Attorney General or his agents did a meaningless thing. It is not to be assumed that they gave a notice where no notice was necessary. Some of the petitioners may have been able to

effect their voluntary departure prior to the receipt of this notice and unable to do so since that time. The prior refusal by the Attorney General and his agents in charge of the alien enemy program indicate the manner in which the program has been enforced. The Attorney General has adopted his own interpretation and his own assumption of powers not founded on the Proclamations of the President. The petitioners have been treated as persons "without rights". While this might be excusable during a time of hostilities when the rights of an individual alien may well be sacrificed to the general good of the Country, an alien's rights should now be upheld as should those of any other person under the protection of the Constitution.

CONCLUSION

It has always been a cardinal principle of law in the United States that no one be stripped of his rights, whether personal or property, without a hearing on the same. Since no harm can come to the Country by affording to petitioners hearings as designated by the Alien Enemy Act, it is urged and most respectfully submitted that the writ of certiorari should issue.

JOSEPH W. SOLOMON,
Barlum Tower,
Detroit, Michigan,
Counsel for Petitioners.